

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE;)
i. OISTE?; NEW ENGLAND STATE-AREA)
CONFERENCE OF THE NAACP;)
REV. TALBERT W. SWAN, II;)
NORMAN W. OLIVER; DARLENE)
ANDERSON; GUMERSINDO GOMEZ;)
FRANK BUNTING; RAFAEL RODRIQUEZ;)
and DIANA NURSE) Civil Action No. 05-30080-MAP
)
Plaintiffs,)
)
v.)
)
)
CITY OF SPRINGFIELD and SPRINGFIELD)
ELECTION COMMISSION)
)
Defendants.)
)

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSION**

Defendants hereby make the following responses to the Plaintiffs' First Requests for Admission. By admission of certain statements or claims set forth in Plaintiffs' Requests pursuant to Fed. R. Civ. P. 36, Defendants do not waive any objections to the relevancy of those facts in this case. Admissions are limited in the manner set forth in Defendants' responses.

REQUEST FOR ADMISSION I, Nos. 1 — 28 : Admit that each of the following documents, exhibited with this request, is (i) authentic; and (ii) is a public record or document.

1. Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000), available at [1_ttp:li_W_<clot mess. d /tai 4s/..1.99_.9/raccc_.rePo\[1\]](http://www.clotmess.dтай4s/1.99.9/raccc.rePo[1])

2. Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001), available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf>.
3. Massachusetts Department of Education, *MCAS Annual Comparisons for Springfield*, available at <http://profiles.doe.mass.edu/mcas/mcascharts.asp> (search "District" for "Springfield; then click "Enter").
4. Massachusetts Department of Education, *Progress Report on Students Attaining the Competency Determination Statewide and by School District: Classes of 2005 and 2006* (June 2005), available at <http://www.doe.mass.edu/assessments/2005/2005pc1.pdf>.
5. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools: 2002-03* (Apr. 2004), available at <http://www.doe.mass.edu/infoservices/reports/dropout/0203/> (follow "Full Report in PDF Format" hyperlink).
6. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools: 2000-01* (Aug. 2002), available at <http://www.doe.mass.edu/infoservices/reports/dropout/0001/> (follow "Complete Report in PDF Format" hyperlink).
7. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools 1999-00* (Nov. 2001), available at <http://www.doe.mass.edu/infoservices/reports/dropout/9900/> (follow "Complete Report in PDF Format" hyperlink).
8. Massachusetts Department of Education, *Grade Retention in Massachusetts Public Schools: 2003-04* (Apr. 2005), available at <http://www.doe.mass.edu/infoservices/reports/retention/0304/report.pdf>.
9. Massachusetts Department of Education, *Grade Retention in Massachusetts Public Schools: 2002-03* (June 2004), available at <http://www.doe.mass.edu/infoservices/reports/retention/0203/full.pdf>.
10. Commonwealth of Massachusetts Commission Against Discrimination, Public Accommodations Complaint Form, *Pastors' Council of Greater Springfield v. City of Springfield Police Department*, No. 042403343 (Dec. 15, 2004).
11. Pioneer Valley Planning Commission, West Springfield, MA, *Owning a Place to Call Home: An Analysis of Fair and Subprime Lending in the Springfield Metropolitan Area* (Nov. 2003), obtained from the Pioneer Valley Planning Commission.

12. 2000 United States Census Tables: *Sex by Employment Status for the Population 16 Years and Over (Black or African American Alone); Sex by Employment Status for the Population 16 Years and Over (Hispanic or Latino); and Sex by Employment Status for the Population 16 Years and Over (White Alone, Not Hispanic or Latino)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary File 3 (SF 3) – Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for P 150B, P 150H, and P150I) 2000.
13. United States Census Tables: *Tenure By Race of Householder; Tenure (Hispanic or Latino Householder); and Tenure (White Alone, Not Hispanic or Latino Householder)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary File 3 (SF 3) – Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for H11, H12, and H13).
14. 2000 United States Census Tables: *Median Family Income in 1999 (Dollars) (Black or African American Alone Householder); Median Family Income in 1999 (Dollars) (Hispanic or Latino Householder); and Median Family Income in 1999 (Dollars) (White Alone, Not Hispanic or Latino Householder)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary File 3 (SF 3) – Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for P155B, P155H, and P155I).
15. Report by the United States Office of Personnel Management Observers Regarding Sept. 19, 2006 Springfield Election, Polling Place: Gentile Apartment Community Center.
16. Report by the United States Office of Personnel Management Observers Regarding Sept. 19, 2006 Springfield Election, Polling Place: Dunbar Community Center.
17. Report by the United States Office of Personnel Management Observers Regarding Sept. 19, 2006 Springfield Election, Polling Place: Springfield Wesleyan Church.
18. Report by the United States Office of Personnel Management Observers Regarding Sept. 19, 2006 Springfield Election, Polling Place: Van Sickle School Gym.

19. Report by the United States Office of Personnel Management Observers
Regarding Sept. 19, 2006 Springfield Election, Polling Place: Brooking Middle School.
20. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Forrest Park Community.
21. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Good Life Center.
22. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Goodwill Industries.
23. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Independence House.
24. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Mason Square Fire Station.
25. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Mason Square Library.
26. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Pine Point Library.
27. Report by the United States Office of Personnel Management Observers
Regarding Nov. 7, 2006 Springfield Election, Polling Place: Rebecca Johnson School.
28. Report by the United States Office of Personnel Management Observers
Regarding Nov. 8, 2006 Springfield Election, Polling Place: Kendall Place Hampton House.

RESPONSE TO REQUEST I, Nos. 1-28: Defendants admit that the documents that Plaintiffs' have provided are copies of "authentic" documents and that they are what they purport to be. With the exception of documents created and released by the United States Bureau of Census or documents that Defendants have relied upon or otherwise provided to Plaintiffs, Defendants do not admit that remainder of documents are "public records or documents," which constitute an exception the Hearsay Rule, Federal Rules of Evidence 803 applicable to the documents that set forth "the activities of the office or agency," or "matters observed pursuant to duty imposed by law as to which matters there was a duty to report," in the absence of information regarding the individuals responsible for the documents creation; the "duty" to which the records were a response; the source and scope of authority provided individual, agency, department supporting the exercise of this

duty; and the method of compilation, sources of information, and the basis for any conclusions.

REQUEST FOR ADMISSION II: Admit that each of the following documents, exhibited with this request, is authentic.

Northeastern University Institute on Race and Justice, *Massachusetts Racial and Gender Profiling Study Final Report (2004)*, available at http://www.racialprofilinganalysis.neu.edu/IRJ_site_docs/_finalreport.pff.

RESPONSE TO REQUEST FOR ADMISSION II: Defendants admit that the document provided by Plaintiffs entitled Northeastern University Institute on Race and Justice, *Massachusetts Racial and Gender Profiling Study Final Report (2004)* is a copy of the document otherwise available at the identified website.

REQUEST FOR ADMISSION III, Nos. 1-6 : Admit that . . .the following statement[[s]] is true: 1. According to the 2000 United States Census, the City of Springfield has a total population of 152,082. 2. According to the 2000 United States Census, 19.6 percent of the total population of the City of Springfield identified themselves as Black/African-American (alone) persons. 3. According to the 2000 United States Census, 27.2 percent of the total population of the City of Springfield identified themselves as Hispanic/Latino (regardless of race) persons. 4. According to the 2000 United States Census, 48.8 percent of the total population of the City of Springfield identified themselves as non-Hispanic white persons. 5. According to the 2000 United States Census, 4.0 percent of the voting age population of the City of Springfield identified themselves as some other race or two or more races. 6. According to the 2000 United States Census, 56.2 percent of the voting age population of the City of Springfield identified themselves as non-Hispanic white persons.

RESPONSE TO REQUEST FOR ADMISSION III, Nos. 1 – 6: Defendants admit to all data (including American Community Survey Data) provided by the United States Census. Defendants do not admit to 2000 Census data in absence of 1960, 1970, 1980, and 1990 data and 2005 American Community Survey data relative to the City of Springfield. Accordingly Defendants admit as follows:

- a) According to the 1960 Census, "white" persons represented 93.7 percent of the voting age population (104,012 persons) and "non-white" persons represented 6.3 percent of voting age population (7,026 persons) in the City of Springfield (7,026 persons).
- b) According to the 1970 Census, "white" persons represented 89.7 percent of the voting age population (91,079 persons); "Negro" persons represented 9.9 percent of voting age

¹In 1960, persons could identify themselves either as white or nonwhite. Moreover the legal voting age was 21 years.

population (10,008 persons); and persons of Spanish origin or descent represented 4.8 percent of the voting age population (4,822 persons) in the City of Springfield.²

- c) According to the 1980 Census, "white" persons represented 81.2 percent of the voting age population (89,603 persons); "Black" persons represented 13.9 percent of voting age population (10,008 persons); and persons of "Spanish origin" represented 6.0 percent of the population (6,621 persons) in the City of Springfield
- d) According to the 1990 Census, "white" persons represented 69.6 percent of the voting age population (79,906 persons); "Black" persons represented 16.4 percent of voting age population (18,891 persons); and Hispanic persons (regardless of race) represented 12.8 percent of the population (14,711 persons) in the City of Springfield.⁴
- e) According to the 2000 Census, 19.6 percent of the total population of the City of Springfield identified themselves as Black/African-American (alone); 27.2 percent identified themselves as Hispanic/Latino (regardless of race); and 4.3 percent identified themselves as some other race or as two or more races.
- f) According to the 2000 Census, 18.1 percent of the voting age population of the City of Springfield identified themselves as Black/African-American (alone), and 21.8 percent identified themselves as Hispanic/Latino (regardless of race), and 4.0 percent identified themselves as some other race or two or more races.
- g) The American Community Survey (conducted by the United States Census) estimated that in 2005 24.4 percent of the total population and 21.0 percent of the voting age population was African American; 35.8 percent of the total population and 30.4 percent of the voting age population was Hispanic; and 38.6 percent of the total population and 45.3 percent of the voting age population was white in the City of Springfield.

REQUEST FOR ADMISSION III, No. 7: Out of nine current members of the Springfield City Council there is one Black/African-American, Bud Williams, and one Hispanic/Latino, Jose Tosado.

RESPONSE TO REQUEST FOR ADMISSION III, No. 7: Admit

REQUEST FOR ADMISSION III, No. 8: Since 1963 the following four Black/African-Americans have served on the Springfield City Council: Paul R. Mason (1968-1973; 1978-1983); Morris Jones (1985-1993); Bud L. Williams (1994-present); and Carol

2 In 1970, persons could identify themselves either as white or Negro (and other races) and separately were provided choices regarding country of origin. Accordingly those identifying themselves as "white" or "Negro" did not exclude those also identifying themselves as "persons of Spanish origin or descent" or "persons of Puerto Rican birth and parentage."

3 In the 1980 Census, persons could identify themselves as belonging to a particular race, e.g., white or black (and other races) and could also identify themselves as "of Spanish origin." Accordingly, it does not appear that the data regarding the number of persons identifying themselves as white or black exclude those also identifying themselves as "of Spanish origin."

4 The 1990 Census provided data as to the number of persons who are non-Hispanic white or black (or any other racial group).

Lewis-Caulton (2000-2001), and these four individuals are the only Black/African-Americans elected to the Springfield City Council since 1963.

REQUEST FOR ADMISSION III, No. 13. The only Hispanic/Latino candidates to be elected to the School Committee have been Cesar Ruiz, in 1981; Jose Tosado in 1999, and Carmen Rosa in 1993.

RESPONSE TO REQUEST FOR ADMISSION III, No. 8: Defendants admit as follows: "Since 1963 the following four Black/African-Americans have served on the Springfield City Council: Paul R. Mason (1968-1973; 1978-1983); Morris Jones (1985-1993); Bud L. Williams (1994-present); and Carol Lewis-Caulton (2000-2001) and one Hispanic, Jose F. Tosado (2002-present). Since 1972, five African Americans have served on the Springfield School Committee: Walter English (1972-1976); Ronald Peters (1980-1986); Candace Lopes (1988-1991); Robert McCollum (1992-1999; 2002-2003); and Marjorie Hurst (1998-present). Three Hispanic candidates have served on the School Committee: Cesar Riuz (1982-1985), Carmen Rosa (1994-1997), and Jose Tosado (1999-2002). In addition, Defendants provide the following:

- a) According to the 1960 Census *6.3 percent* of voting age population was Anon-white. @ By 1968, one of the nine members of the Springfield City Council was Black/African-American (or *11.1 percent*).
- b) By 1970, the United States Census reported that *9.9 percent* of the voting age population of the City of Springfield were identified as ANegro@B of whom nearly half also identified themselves as Spanish origin or descent. During most of the 1970s, one Black/African-American served on the nine-member Springfield City Council (or *11.1 percent*).
- c). In 1980, the United States Census provided *13.9 percent* of those persons of voting age identified themselves as Ablack@ and *6.0 percent* identified themselves as of ASpanish origin. @ During the 1980s, one of the nine members of the Springfield City Council was Black/African-American (or *11.1 percent*). During the 1980s one of the six members of the Springfield School Committee (or *16.7 percent*) was Black/African-American and between 1982-1985, one of the six members of the Springfield School Committee (or *16.7 percent*).
- d) According to the 1990 Census, *16.4 percent* of the voting age population identified themselves as (not Hispanic) Ablack; @ and *12.8 percent* identified themselves Hispanic (regardless of race). During the 1990s, one of the nine members of the Springfield City Council was Black/African-American (or *11.1 percent*) and at least one of the six members of the Springfield School Committee was Black/African-American. Between 1998-1999 two of the members of the Springfield School Committee were Black/African-American (or *33.3 percent*). Between 1994-1997 and 1999- 200002, one of the six members of the Springfield School Committee was Hispanic/Latino (or *16.7 percent*).
- e) According to the 2000 Census, Black/African-Americans constituted *18.1 percent* of the voting age population and *21.8 percent* of the voting age population identified themselves as Hispanic/Latinos (regardless of race), two of the nine members of the Springfield City Council were Black/African-American (or *22.2 percent*) between 2000-2001. From 2002 to the present), one of the nine members of the Springfield City

Council were Black/African-American (or 11.1 *percent*). During this same period of time (2000-2002), one of the six persons in the Springfield School Committee was Black/African-American (or 16.7 *percent*) and another was Hispanic/Latino (or 16.7 *percent*). Between 2002-2004, two of the six persons in the Springfield School Committee were Black/African-American (or 33.3 *percent*). Currently, one member of the School Committee is Black/African American (16.7 *percent*)

REQUEST FOR ADMISSION III, No. 9: Jose F. Tosado is the first and only Hispanic/Latino elected to the Springfield City Council.

RESPONSE TO REQUEST FOR ADMISSION III, No. 9: Defendants admit as follows: Jose F. Tosado has served on the Springfield City Council since 2002. During the period of time that Plaintiffs' expert witness, Dr. Richard Engstrom, analyzed elections for City Council (1999-2005), only two Hispanic candidates, who received more than 50 percent of the Hispanic vote (Cortes in 2001 and 2003, with 67.9 percent and 56.5 percent of the Hispanic vote, respectively, and Tosado in 2001, with 75.0 percent of the Hispanic vote) were defeated; the remainder of the Hispanic candidates failed to receive more than 50 percent of the Hispanic vote and therefore were not candidates of choice as defined by Dr. Engstrom. In 1999, two white candidates received more than 50 percent of the Hispanic vote; both were elected. Accordingly, since 1999, of the seven candidacies in which the candidate received more than 50 percent of the Hispanic vote, four were successful.

REQUEST FOR ADMISSION III, No. 10: Jose F. Tosado was appointed to the City Council in January 2002, prior to his successful election campaign in 2003, and was thus able to campaign as an incumbent.

RESPONSE TO REQUEST FOR ADMISSION III, No. 10: Defendants admit as follows: Jose F. Tosado was appointed to the City Council in January 2002 as the candidate placing tenth in the 2001 election. In the 1991 election, Springfield voters (by referendum) adopted a change in the method by which vacancies were filled on the City Council and on the School Committee, which provided that "the tenth place finisher in the most recent election automatically fill the vacancy in the Council." Since that time, two minority candidates, Mr. Tosado and Mr. Robert McCollum have been appointed to the City Council and the School Committee, respectively, pursuant to this requirement. In the 2003 election, Mr. Tosado placed third, receiving more votes than five multi-term incumbents.

REQUEST FOR ADMISSION III, No. 11: The only occasion when two African-Americans were elected to the City Council was the 1999 election.

RESPONSE TO REQUEST FOR ADMISSION III, No. 11: Defendants admit as follows: Two African American candidates served on the City Council between 2000-2001.

REQUEST FOR ADMISSION III, No. 12: Currently three of the nine members of the Springfield City Council reside in Ward 7, two members reside in Ward 5, two members reside in Ward 6, one member resides in Ward 2, and one member resides in Ward 1.

RESPONSE TO REQUEST FOR ADMISSION III, No. 12: Defendants admit as follows: Official registration records indicate that currently three of the nine members of the Springfield City Council reside in Ward 7, two members reside in Ward 5, two members reside in Ward 6, one member resides in Ward 2, and one member resides in Ward 1. Defendants reassert, for the record, that the residence of a candidate is irrelevant for purposes of a Section 2 of the Voting Rights Act, 42 U.S.C. 1973, and constitutional analysis

REQUEST FOR ADMISSION III, No. 13: Outgoing City Councilor Angelo Puppolo resides in Ward 7 and will be replaced by James Ferrara III, who also resides in Ward 7.

RESPONSE TO REQUEST FOR ADMISSION III, No. 13: Defendants' deny as follows: James Ferrara III is currently a member of the Springfield City Council and Angelo Puppolo was not "outgoing" prior to that time.

REQUEST FOR ADMISSION III, No. 15: Currently there are no Hispanic/Latino members of the School Committee.

RESPONSE TO REQUEST FOR ADMISSION III, No. 15: Defendants admit as follows: There are no Hispanic/Latino members on the School Committee, but an Hispanic candidate would have been elected (Orlando Santiago) had Hispanic voters turned out in the 2005 election or cohesively supported Mr. Santiago as they supported Mr. Tosado (City Council contest). Mr. Santiago lost by 163 votes. Mr. Santiago received only 57.0 percent of the Ward 1 vote election. In Ward 1, Mr. Santiago received 148 fewer votes than did Mr. Tosado in 2005. Dr. Engstrom estimates that Mr. Santiago received 66.9 percent of the Hispanic vote, 33.2 percent of the white vote and 30.1 percent of the African American vote. In contrast, Dr. Engstrom estimates that Jose Tosado received 79.0 percent of the Hispanic vote.

REQUEST FOR ADMISSION III, No. 16: A ballot initiative question that appeared on the November 1997 city election ballot proposed a change to the method of electing the (sic) City Council such that eight (8) councilors would be elected from each of the City's eight wards, and three (3) councilors would be elected at large ("1997 Ballot Question").

RESPONSE TO REQUEST FOR ADMISSION III, No. 16: Defendants admit as follows: In the 1997 municipal general election, an initiative question appeared on the ballot that asked voters to choose between maintaining the current method of electing

members to the City Council (by voting "No") or adopting a method of election that would provide for the election of eight members of the City Council, each elected from one of the City's eight wards, and for the at-large election of three additional members of the City Council ("8-3 method of election") (by voting "Yes")

REQUEST FOR ADMISSION III, No. 17: Of the persons who voted in the November 1997 city election, 51.4 percent voted in favor of the 1997 Ballot Question, while 36.5 percent voted against it, and 12.1 percent left the question blank.

RESPONSE TO REQUEST FOR ADMISSION III, No. 17: Admit

REQUEST FOR ADMISSION III, No. 18: Of the persons who cast a vote either for or against the 1997 Ballot Question (excluding blanks), approximately 58 percent voted in favor of it.

RESPONSE TO REQUEST FOR ADMISSION III, No. 18: Defendants admit as follows: Only 13.6 percent of the registered voters in the City of Springfield supported the initiative proposing the 8-3 method of election for the City Council. Accordingly, the vote on this initiative failed to receive the requisite one-third support from the City's registered voter population to render it "binding." M.G.L.c. 43, §42.

REQUEST FOR ADMISSION III, Nos. 19-28: 19. On January 20, 1998, the Springfield City Council voted against a home rule bill that, if passed, would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large. 20. On January 4, 1999, the Springfield City Council voted against an Act that would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large. 21. On October 4, 1999, the Springfield City Council voted against an Act that would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large. 22. On October 4, 1999, the Springfield City Council voted against an Act that would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and five (5) councilors elected at-large. 23. On April 10, 2000, the Springfield City Council, after being presented with an Act that would have placed a binding ballot question on the November 2000 city election ballot regarding whether the composition of the City Council should be changed to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large, amended the Act to make the ballot question non-binding, and thereafter voted in favor of the Act. 24. On April 10, 2000, the Springfield City Council, after being presented with an Act that would have placed a binding ballot question on the November 2000 city election ballot to change the composition of the City Council to eight (8) councilors elected from each of the City's

eight wards, and three (3) councilors elected at-large, passed an Act calling for a non-binding ballot question that would change the composition of the City Council to four (4) councilors elected from wards and five (5) councilors elected at-large. 25. Mayor Michael J. Albano refused to sign either of the Acts passed by the City Council on April 10, 2000, which refusal resulted in there being no ballot question, either binding or non-binding, placed on the November 2000 city ballot. 26. On September 8, 2003, the Springfield City Council voted against an Act that would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large. 27. On April 12, 2004, the Springfield City Council voted against a home rule bill that would have changed the composition of the City Council to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large. 28. On March 7, 2005, the Springfield City Council voted against an Act that would have placed on the 2005 city election ballot a binding referendum asking whether the composition of the City Council should be changed to eight (8) councilors elected from each of the City's eight wards, and three (3) councilors elected at-large.

RESPONSE TO REQUEST FOR ADMISSION III, Nos. 19-28: Defendants assert that the official records for the City Council speak for themselves. It is Defendants' position that the City Council vote regarding a mixed method of election is irrelevant to the instant challenge, particularly when there is a strong possibility that an 8-3 method of election would have been dilutive of Hispanic and African American voting strength and where Plaintiffs have not requested an 8-3 remedy.

REQUEST FOR ADMISSION III, No. 29. Until 2004, the City Springfield and/or the Springfield Election Commission never had provided bilingual training for Hispanic poll workers.

RESPONSE TO REQUEST FOR ADMISSION III, No. 29. Defendants cannot respond due to ambiguity and vagueness of the statement. No jurisdiction in the United States is required under the Voting Rights Act to provide poll worker training in Spanish to persons who are not proficient in English. Nevertheless, in response to a request from Rep. Cheryl Coakley-Rivera and Mr. Gumersindo Gomez, the Election Commission did provide a Spanish language translation of the Warden's Handbook and conducted training in Spanish. Since that time, attorneys for the Department of Justice have clarified their position that bilingual poll officials must be proficient in English to comply with the requirement of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-la ("Section 203"), and therefore bilingual training materials are not required and should not be used.

REQUEST FOR ADMISSION III, No. 30. Since September 18, 1992, the City has been continuously covered under Section 203 of the Voting Rights Act, and has been required to provide in Spanish any registration or voting notice, forms, instructions, assistance, or

other materials or information relating to the electoral process, including ballots, that are available in English.

RESPONSE TO REQUEST FOR ADMISSION III, No. 30. The requirements, legislative history, and coverage dates related to Section 203 speak for themselves.

REQUEST FOR ADMISSION III, No. 31: Prior to September 2006, the City did not provide in Spanish copies of all registration and voting notices, forms, instructions, assistance, and other information relating to the electoral process, including ballots, that are available in English.

RESPONSE TO REQUEST FOR ADMISSION III, No. 31: Defendants deny as follows: "For the most part, "all registration and voting notices, forms, instructions, assistance, and other information relating to the electoral process, including ballots" are official documents of the Commonwealth of Massachusetts and as such the Office of the Secretary of the Commonwealth is responsible for providing to jurisdictions with significant Spanish speaking population bilingual "versions" of "all registration and voting notices, forms, instructions, assistance, and other information relating to the electoral process, including ballots." The Springfield Office of the Election Commission has made available to voters bilingual versions of all officials forms received from the Office of the Secretary of the Commonwealth.

REQUEST FOR ADMISSION III, No. 32: Prior to August 28, 2006, the City did not provide election information in Spanish on its website.

RESPONSE TO REQUEST FOR ADMISSION III, No. 32: Defendants admit as follows: In August 2006, a Spanish language version of the information on <http://www.cityofspringfield.org/elections/voterinfo.htm> was made available to the public.

REQUEST FOR ADMISSION III, No. 33: On August 29, 2006, the City entered into a consent decree with the United States of America that required the City to, *inter alia*: a) Ensure that both English and Spanish language election information, materials, and announcements provided by the City are made equally available to voters; b) Make trained bilingual (Spanish and English fluent) election personnel available to answer voting-related questions at all City office locations where election-related transactions are conducted by telephone without cost during normal business hours and while the polls are open on election day; c) Recruit, hire, and assign election officials able to understand, speak, write, and read English and Spanish fluently to provide effective assistance to Spanish-speaking voters at the polls on election days, at selected precincts as determined by an agreed-to formula; d) Train election officials in the requirements of Sections 203 and 208 of the Voting Rights Act.

RESPONSE TO REQUEST FOR ADMISSION III, No. 33: The Agreed Settlement Order in Agreed Order of Settlement, United States v. City of Springfield, C.A. No. 06-30123-MAP (September 15, 2006) speaks for itself.

Respectfully submitted,

CITY OF SPRINGFIELD and
SPRINGFIELD ELECTION
COMMISSION

By 
Edward M. Pikula (BBO #399770)
City Solicitor
Deanne Bogan Ross (BBO #555407)
City of Springfield
Law Department
36 Court Street, Room 210
Springfield, Massachusetts 01103

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Response to Plaintiffs' First Request for Production of Documents has been served on the counsel of record on the ____ day of February, 2007, by first-class mail.



By
Edward M. Pikula
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